

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Gabriel Rostom

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-and-

Neelay Das

[REDACTED]

[REDACTED]

In Re:

BED BATH & BEYOND INC., et al.,

Debtors.¹

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

U.S. BANKRUPTCY COURT
2023 AUG 31 P 3:12
O. C. G. (RECEIVED)
[REDACTED]

**BED BATH AND BEYOND COMMON STOCK EQUITY INTEREST HOLDERS' LIMITED
OBJECTION TO DEBTORS' PROPOSED REVISED ORDER (I) (A) CONDITIONALLY
APPROVING THE ADEQUACY OF THE DISCLOSURE STATEMENT, (B) APPROVING THE
SOLICITATION AND NOTICE PROCEDURES WITH RESPECT TO CONFIRMATION OF THE
PLAN, (C) APPROVING THE FORMS OF BALLOTS AND NOTICES IN CONNECTION
THEREWITH, (D) SCHEDULING A COMBINED DISCLOSURE STATEMENT APPROVAL AND
PLAN CONFIRMATION HEARING AND CERTAIN DATES AND DEADLINES WITH RESPECT
THERETO, AND (E) GRANTING RELATED RELIEF, AND (II) (A) EXTENDING THE DEBTORS'
EXCLUSIVE PERIODS TO FILE A CHAPTER 11 PLAN AND SOLICIT ACCEPTANCES THEREOF**

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

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PURSUANT TO SECTION 1121 OF THE BANKRUPTCY CODE AND (B) GRANTING RELATED RELIEF

The undersigned holders of equity interests in Bed Bath And Beyond's Common Stock which has traded on Nasdaq exchange under the symbol "BBBY" and now trades over the counter under the symbol "BBBYQ", hereby object (this "Objection") to the Debtors' Proposed *Revised Order (I) (A) Conditionally Approving The Adequacy Of The Disclosure Statement, (B) Approving The Solicitation And Notice Procedures With Respect To Confirmation Of The Plan, (C) Approving The Forms Of Ballots And Notices In Connection Therewith, (D) Scheduling A Combined Disclosure Statement Approval And Plan Confirmation Hearing And Certain Dates And Deadlines With Respect Thereto, And (E) Granting Related Relief, And (II) (A) Extending The Debtors' Exclusive Periods To File A Chapter 11 Plan And Solicit Acceptances Thereof Pursuant To Section 1121 Of The Bankruptcy Code And (B) Granting Related Relief* [D.I. 1692] (the "Motion")², and in support of that Objection state as follows:

PRELIMINARY STATEMENT

1. Pursuant to the Debtors' Proposed Plan and Solicitation and Voting procedures, General Unsecured Claim holders have been classified in class 6, which includes 2014 Senior Unsecured Notes Claim Holders and for voting purposes their claims only will be the unpaid principal amount of the applicable positions such Holder held as of the Voting Record Date. Under *Exhibit 3 Solicitation and Voting Procedures* of the Motion section (iv).2 "Class 6 2014 Senior Unsecured Notes Claims" it is stated that the claim amounts for voting purposes for Holders of Class 6 2014 Senior Unsecured Notes Claims will be established by reference to the books and records of the applicable indenture trustee, or, as the case may be, in the amount of such Claims held by each Beneficial Holder through its Nominee as of the Voting Record Date as evidenced by the securities position report(s) from the DTC or other applicable depository firm. Also, pursuant to the Debtors' Plan and Solicitation and Voting procedures, holders of equity interests in Bed Bath And Beyond's Common Stock (the "Shareholders") are deemed to have "Interests in BBB" per the *Release Opt-Out Form (Attachment A)* in the Motion and so are classified under class 9 per

²Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

the table in section III.D in the Motion, even though the *Release Opt-Out Form* states that such holders are classified under class 8, which presumably is a typographical error. The treatment for such holders per the table in section III.D in the motion is specified as follows: *"In full and final satisfaction of each Allowed Interest in BBB, each Allowed Interest in BBB shall be canceled, released, and extinguished, and will be of no further force or effect and no Holder of Interests in BBB shall be entitled to any recovery or distribution under the Plan on account of such Interest"*. Further, Article III.B of the *Amended Joint Chapter 11 Plan Of Bed Bath & Beyond Inc. And Its Debtor Affiliates* [D.I. 1688] (the "Proposed Plan") states the following about the above treatment, which is also described in Article III.B.9 of the Proposed Plan: *"Subject to Article VI hereof, each holder of an Allowed Claim or Allowed Interest, as applicable, shall receive under the Plan the treatment described below in full and final satisfaction, compromise, settlement, release, and discharge of, and in exchange for, such holder's Allowed Claim or Allowed Interest, except to the extent different treatment is agreed to by the Debtors and the holder of such Allowed Claim or Allowed Interest, as applicable. Unless otherwise indicated, the holder of an Allowed Claim or Allowed Interest, as applicable, shall receive such treatment on the later of the Effective Date and the date such holder's Claim or Interest becomes an Allowed Claim or Allowed Interest or as soon as reasonably practicable thereafter."* Pursuant to the above description and the meaning of the word "Allowed" in this context, as specified in the Proposed Plan [D.I. 1688] section I.A.13, shareholders get any distribution in equity or cash proceeds, before their equity interests are extinguished, only if they enter into an agreement with the Debtors to that effect, as underlined above and such an agreement currently doesn't exist. Also, however, as explained in the Background and Argument sections, Equities swaps trading data downloaded from the DTCC Public Price Dissemination (PPD) Website³ shows circumstantial evidence of still open short positions in Bed Bath And Beyond's Common Stock being used to hedge bonds corresponding to 2014 Senior Unsecured Notes due in 2024. Also, as specified in paragraph 2 of D.I. 1438 the Proposed Plan and the Motion were formulated after a "robust diligence sharing process" with the Official

³ <https://pddata.dtcc.com/gtr/dashboard.do>, Quick Reference Guide available at: https://kgc0418-tdw-data-0.s3.amazonaws.com/gtr/static/gtr/docs/RT_PPD_quick_ref_guide.pdf

Sosnick's testimony in the July 18 Court Hearing the Debtors reached an agreement on the terms of the Proposed Plan with UCC and the DIP lenders. All holders of Senior Unsecured Notes are represented by The Bank of New York Mellon, the trustee for all such notes, on the UCC. **Any holder of Senior Unsecured Notes who has an open short position in Bed Bath And Beyond's Common Stock while voting for the Proposed Plan would be falsely certifying that Bed Bath And Beyond owes them the unpaid principal amount of the applicable positions or the amount established by reference to the books and records of the applicable indenture trustee, or, as the case may be, in the amount of such Claims held by each Beneficial Holder through its Nominee as of the Voting Record Date as evidenced by the securities position report(s) from the DTC or other applicable depository firm, while in fact the actual amount owed should be the above amount subtracted by the full proceeds from their short position assuming they never have to close that position, because the Proposed Plan doesn't offer any distribution of proceeds to the shareholders in exchange for tendering their shares which otherwise would prompt shareholders who have lent their shares to recall them back, thereby, in turn, causing the short positions to be closed. This will be a violation of Securities and Exchange Act Sections 17(a)(2), potentially 17(a)(1), potentially SEC Rules 10b5(a) and 10b5(b), which in turn will make the Proposed Plan unconfirmable, due to violation of section 1129(a)(3) of the Bankruptcy Code.** Also, on January 5, 2023, Bed Bath And Beyond reported in a press release⁴ that the previously commenced exchange offer and consent solicitation with respect to its unsecured senior notes for a new series of convertible notes, as previously reported in a press release on October 18, 2022⁵, was terminated after the offer expired on January 04, 2023, after multiple extensions of the expiry date, without all note holders tendering their notes. The press release added that conditions to the exchange offer and consent solicitation were not satisfied, with, as of last reporting per December 20, 2022 8K SEC filing⁶ only 18.21% of notes due 2024, 24.77% of notes due 2034 and 11.19% of notes due 2044 being tendered. In a

⁴ <https://www.sec.gov/Archives/edgar/data/886158/000119312523002004/d427733dex991.htm>

⁵ <https://www.sec.gov/Archives/edgar/data/886158/000119312522264253/d411604dex991.htm>

⁶ <https://www.sec.gov/ix?doc=/Archives/edgar/data/0000886158/000119312522308768/d432604d8k.htm>

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snapshot of the post 2022-12-03 Equities swaps trading data downloaded from the

DTCC PPD website shown in **Exhibit D** it can be seen that, there were a flurry of CFD⁷ swap transactions with very large notional amounts of up to \$2 million USD per transaction, which were hedging corresponding large short positions in days leading up to the termination of the notes exchange offer. Also, FINRA Short Sale Volume Data⁸ shows that this coincided with a big jump in the short sale volume to 60.64% (5,289,670 short sale volume, 8,723,023 total volume) on January 03, 2023, the day before expiry of the Exchange Offer and this caused a 7.97% drop in BBBY price per share from \$2.51 the previous day to \$2.31⁹ at the market close on that day. This would have definitely deterred any unsecured note holders who were yet to tender their notes in exchange for convertible notes and were contemplating on doing so, as exchanging for convertible notes makes economic sense if price per share is expected to appreciate. The failure of the exchange offer prompted Bed Bath And Beyond to issue a possible bankruptcy warning in the January 05, 2023 press release. Moreover, as seen from the “Swap Transaction Publish Date” column in the snapshot of the Equity Swaps data in **Exhibit E**, the data for the flurry of CFD swap transactions hedging for the large short positions that were opened up leading up to the possible bankruptcy warning was not published months later until March 2023, indicating a possible attempt to hide those transactions. **This shows a scheme where aggressive short selling by bondholders and/or their affiliates, combined with the refusal by the bondholders to tender old unsecured notes was instrumental in causing a failure of the Exchange Offer, which in turn eventually led to the company filing for Chapter 11 bankruptcy protection. Now, representatives of the same bondholders (BNY Mellon and UCC) have collaborated with Bed Bath and Beyond to devise a Chapter 11 plan, which causes the short positions opened by the bondholders and/or their affiliates never to be closed and thereby they walk away with large proceeds from their open short positions. This is textbook violation of SEC Rule 10b5(a) and Securities and Exchange Act Section 17(a)(1), which in turn will make the Proposed Plan unconfirmable, due to violation of section 1129(a)(3) of the Bankruptcy Code, as provisions of the Proposed Plan**

⁷ Contract For Difference

⁸ <https://cdn.finra.org/equity/regsho/daily/CNMSShvol20230103.txt>

⁹ <https://finance.yahoo.com/quote/BBBYQ/history?p=BBBYQ>

are forbidden by law as shown above. The issue is being raised now so Debtors may resolve the situation by amending the Proposed Plan to offer distribution of proceeds to the common stock equity security holders or alternatively, by mandating that any holders of Senior Unsecured Notes who have open short positions in Bed Bath And Beyond's Common Stock close their short positions, before voting on the amended plan.

2. Pursuant to the Debtors' Proposed Plan and Solicitation and Voting procedures, Holders of Claims or Interests will be deemed to have released certain third parties unless they complete and submit an electronic Opt-Out Form through the E-Ballot Portal or Public Securities Opt-Out Portal so that it is actually received by the Notice and Claims Agent on or before the Voting Deadline. Section 524(e) of the Bankruptcy Code specifically provides that the discharge of claims against the Debtors upon confirmation of a chapter 11 plan pursuant to section 1141(d) of the Bankruptcy Code does not affect the pre-confirmation liability of non-debtor entities. In *First Fid. Bank v. McAtee*, 985 F.2d 114, 118 (3d Cir. 1993) the Third Circuit Court ruled that, where releasing parties have consented to a provision in a plan of reorganization that releases claims against non-debtors, such releases will be approved on the basis of general principles of contract law. Under basic contract law principles, consent may be express or manifested by conduct. Parties must "objectively manifest their acceptance and intent to be bound by a contract [.]" *Craddock v. LeClair Ryan, P.C.*, 2016 WL 1464562, at *8 (E.D. Va. Apr. 12, 2016). By the same token, a legal right may be waived only if it is "knowingly, voluntarily and intentionally abandoned." *Luitpold Pharm., Inc. v. Ed. Geistlich Sohne A.G. Fur Chemische Industrie*, 784 F.3d 78, 95 (2d Cir. 2015). In *re Washington Mutual, Inc.*, 442 B.R. 314 (Bankr. D. Del. 2011), where the Court ruled that "any third party release is effective only with respect to those who affirmatively consent to it by voting in favor of the Plan and not opting out of the third party releases." Id. at 355 (emphasis added). The Court clarified that an "opt out mechanism is not sufficient to support the third party releases . . . particularly with respect to parties who do not return a ballot (or are not entitled to vote in the first place). Failing to return a ballot is not a sufficient manifestation of consent to a third party release." Id. See also *In re Emerge Energy Services LP*, 19-11563 (KBO), 2019 WL 7634308, *18 (Bankr. D.

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Del. Dec. 5, 2019) (Court ruled that consent can be inferred by the failure of a creditor or equity holder to return a ballot or opt-out form). In *re: PURDUE PHARMA, L.P.* (USDC SDNY 2021) Case 7:21-cv-08566-CM Document 100¹⁰ the District Court held that nothing either express or implied in the Bankruptcy Code gave a bankruptcy court statutory authority to confirm a plan containing non-consensual third party releases. Among other things, the District Court rejected the argument that Bankruptcy Code sections 105(a), 1123(a)(5), 1123(b)(6) and 1129(a)(1), either singularly or in the aggregate, permit the approval of third party releases, noting that none of the sections could, in context, be read to grant such a wide-ranging ability to release the claims of non-debtors against non-debtors. The District Court similarly reasoned that Congress's enactment of Bankruptcy Code sections 524(g) and (h)—which permit third party releases but only in asbestos cases—indicated that such releases were not permissible in other cases. In *Patterson v. Mahwah Bergen Retail Group, Inc* Civil No. 3:21cv167 (DJN) (USDC EDVA)¹¹ the District Court also held that the bankruptcy court had been incorrect to infer consent from parties' inaction in failing to affirmatively opt-out of the releases. The District Court held that while non-consensual third party releases may, when jurisdiction exists, be approved, they must satisfy the Fourth Circuit's seven factor test in *Behrman v. Nat'l Heritage Found., Inc.*, 663 F.3d 704 (4th Cir. 2011), and even then, they should be used "cautiously and infrequently." The seven factor test adopted by the Fourth Circuit in Behrman (following the Sixth Circuit's ruling in *In re Dow Corning Corp.*, 280 F.2d 648 (6th Cir. 2002)), only permits non-consensual third party releases where: (1) there is an identity of interests between the debtor and the third party such that a suit against the non-debtor will deplete the assets of the estate; (2) the non-debtor has contributed substantial assets to the reorganization; (3) the injunction is essential to reorganization; (4) the impacted class, or classes, has overwhelmingly voted to accept the plan; (5) the plan provides a mechanism to pay for all, or substantially all claims, of the class or classes affected by the injunction; (6) the plan provides an opportunity for those claimants who choose not to settle to recover in full and; and (7) the bankruptcy court made a record of specific factual

¹⁰ <https://www.restructuring-globalview.com/wp-content/uploads/sites/21/2021/12/Purdue-Appeal-Decision-and-Order.pdf>

¹¹ <https://reorg-research.com/pdf/3714294.pdf>

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findings that support its conclusions. The non-consensual third party release provisions in the Motion do not meet the above test, specifically the above underlined factors. Also, as discussed in paragraph 1, if the Motion is approved, as it is, it leaves the possibility of Securities Fraud being committed by the Senior Unsecured Notes Holders who opened up short positions in Bed Bath And Beyond's Common Stock and are represented by third party UCC. Non-consensual third party releases against such potential fraud claims have typically not been approved by courts. **The issue is being raised now so that Debtors may resolve the situation by changing the opt-out portion of their ballots to an opt-in form. Doing so will ensure that only those claimants who actually receive the forms and actually consent to give third-party releases, will be deemed to provide the same. Approval of the solicitation procedures should be denied absent this change being made.**

3. In the Motion the debtors are seeking an extension of the exclusivity period. Per article XI.B.1 of the Motion the Debtors state that as of the end of the 2022 fiscal year, they had approximately \$1.6 billion of U.S. federal net operating losses (the "NOLs") and \$143 million of disallowed business interest carryovers under section 163(j) of the Tax Code (the "163(j) Carryovers"). Per the latest filed SEC 10K form¹² on page 63 the Debtors state that during the year ended February 25, 2023 shares were reissued out of treasury stock at a weighted-average cost of \$44.27 per share, for a total cost of \$3.1 billion. The difference between the cost of the treasury stock and the consideration received is recorded as a reduction to retained earnings on the consolidated balance sheets. These extensive deferred tax assets could have been used by Debtors to market a maximized value of the estate to potential acquirers for a takeover transaction pursuant to I.R.C. § 382(l)(5), I.R.C. § 382(c), § 1.1032-1(b) and I.R.C. § 1212(a)(1)(B). However, the asset sale transactions that have been pursued and executed, so far, by the debtors have been of assets that are parts of the estate instead of the entire estate itself, which would have made the transaction pursuant to I.R.C. § 382(l)(5), I.R.C. § 382(c) provisions. As a result, these transactions were not value maximizing and resulted in inadequate proceeds, which in turn were insufficient for effecting a successful turnaround, so far. This shows that the debtors have not fulfilled their fiduciary duty to the shareholders of pursuing a value

¹² <https://www.sec.gov/ix?doc=/Archives/edgar/data/0000886158/000088615823000059/bbby-20230225.htm>

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maximizing turnaround strategy and now, per the currently Proposed Plan and Motion
shareholder equity is expected to be extinguished with no distribution to shareholders.

Also, in multiple court filings [D.I.s: 10, 25, 1437 and 1438], like the Motion, the
debtors have described GameStop Executive Chairman Ryan Cohen's investment in
and exit from Bed Bath And Beyond in 2022 in unfavorable terms, blaming him for
the decline in the stock price, while completely ignoring investment and exit of Jake
Freeman from Freeman Capital, who took a comparable investment position and
exited one day before (08/16/22)¹³ Ryan exited from his position. On the other hand,
Ryan Cohen has been listed as an Interested Party, as of 01/19/2023, in multiple
dockets [D.I.s: 178, 179, 180 and 181]. This is indicative of Bed Bath And Beyond
Board of Directors' prejudice towards Ryan Cohen, which might have possibly
prevented a value maximizing takeover deal, as described above, where Ryan Cohen
is an acquiring party and the same situation may continue, if the exclusivity period is
not terminated. **So, we respectfully request that the Debtors' request for extension
of the exclusivity period be denied and also that the currently active exclusivity
period be terminated, so that third parties may present alternate value
maximizing Chapter 11 plan(s), which may generate better proceeds for all
stakeholders.**

BACKGROUND

4. On April 23, 2023 (the "Petition Date") the Debtors filed voluntary
petitions for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C.
§§ 101, et seq. (the "Bankruptcy Code").

5. The Debtors remain in possession of their assets and continue to manage
their businesses as debtors-in-possession, pursuant to sections 1107 and 1108 of the
Bankruptcy Code.

¹³ SEC 13G Form corresponding to Jake Freeman's entry into BBBY:

<https://www.sec.gov/Archives/edgar/data/1939210/000193921022000002/test.htm>

SEC 13G Form corresponding to Jake Freeman's exit from BBBY:

<https://www.sec.gov/Archives/edgar/data/1939210/000193921022000004/test.htm>

SEC 13D/A Form showing Ryan Cohen's updated stake after the stock repurchases by the company:

https://www.sec.gov/Archives/edgar/data/1822844/000119380522001199/e621886_sc13da-rcv.htm

SEC 13D/A Form showing Ryan Cohen's exit from BBBY, one day after Jake Freeman's exit:

[sec.gov/Archives/edgar/data/1822844/000092189522002496/sc13da313351002_08182022.htm](https://www.sec.gov/Archives/edgar/data/1822844/000092189522002496/sc13da313351002_08182022.htm)

6. On or about May 5, 2023, the United States Trustee for Region 3 (the "U.S. Trustee") appointed the Committee to represent the interests of all unsecured creditors in these Cases pursuant to section 1102 of the Bankruptcy Code. The members appointed to the Committee are: (i) Ryder Integrated Logistics, Inc.; (ii) The Bank of New York Mellon, as Indenture Trustee for All 2014 Senior Unsecured Notes Holders; (iii) Intersoft Data Labs Inc; (iv) KDM P.O.P. Solutions Group; (v) Shark Ninja Operating LLC; (vi) Lenox Corporation; and (vii) SITE Centers Corp. See Notice of Appointment of Official Committee of Unsecured Creditors [D.I. 218].

7. Prior to the Petition Date, on July 21, 2022 in a Letter¹⁴ addressed to Bed Bath And Beyond Board of Directors, attached as an Exhibit to his SEC Form 13G¹⁵ filing, Jake Freeman from Freeman Capital revealed that it had acquired 6.21% stake in the company and proposed a turnaround plan for the company. In the letter he also revealed that Freeman Capital and affiliates were owners of the 2014 Unsecured Notes expiring in 2024. In the letter he also proposed a turnaround plan for Bed Bath And Beyond that involved exchanging the existing unsecured notes with a series secured notes, expiring on 8/1/2024, 8/1/2029, 8/1/2033. In addition, the letter proposed issuance of warrants to purchase common shares expiring on 8/1/2029 and 8/1/2033 and convertible notes to purchase shares that would mature on 07/22/28.

8. Prior to investing in Bed Bath And Beyond Jake jointly published a paper with Vivek Kapoor from Volaris Capital Management titled *Irreducible Risks of Hedging a Bond with a Default Swap*¹⁶. The abstract of the paper states "*The results show that there are irreducible risks when hedging a defaultable bond with a CDS; these irreducible risks increase with the magnitude of the premium/discount of the bond and decrease as the correlation between default time and recovery increase*". Before starting Volaris Capital Management Vivek Kapoor used to work for Credit Suisse¹⁷, which is still dealing¹⁸ with the fallout from the failure of Archegos Total Return swaps back in 2021.

¹⁴ <https://www.sec.gov/Archives/edgar/data/1939210/000193921022000002/BBBYL.htm>

¹⁵ <https://www.sec.gov/Archives/edgar/data/1939210/000193921022000002/test.htm>

¹⁶ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3405367

¹⁷ <https://www.bloomberg.com/news/articles/2017-05-02/ex-credit-suisse-trader-said-to-lure-1-6-billion-of-client-cash>

¹⁸ <https://www.investmentweek.co.uk/news/4120805/credit-suisse-receives-record-fine-archegos-failures>

ARGUMENT

**Circumstantial Evidence Of Still Open Short Positions In Bed Bath And Beyond's Common Stock
Being Used To Hedge 2024 Bonds**

1. A search of the Credit Default Swaps trading data downloaded from the DTCC Public Price Dissemination (PPD) Website¹⁹ for the ISIN numbers US075896AA80, US075896AB63 and US075896AC47 of Bed Bath And Beyond Senior Unsecured Notes (Bonds) did not bring up any such swaps hedging the Bonds, but the data does show these swap financial instruments being used to hedge other corporate bonds. This would be in alignment with the paper published by Jake Freeman, as discussed in the Background section, which found that hedging bonds using CDS was not that effective. However, a search of the unzipped .csv format Daily Equity Swaps trading data downloaded from the same above website, using the links shown in **Exhibit A** below, for the ISIN number US0758961009 corresponding to Bed Bath And Beyond common stock brings up a lot of swap transactions which have been collected in a spreadsheet²⁰ showing the data prior to 2022-12-03 and in another spreadsheet²¹ showing the data post 2022-12-03, since they are published in different formats by DTCC. These swaps are used to hedge against losses in short positions and they are either of the type Total Return Swap or Contract For Difference (CFDs) as seen in the "Product ID" column in the spreadsheet with reference to this article²² for explanation of the various Product IDs. This article²³ explains how taking a long position in CFDs hedges short positions in stock. The swap transactions highlighted in the spreadsheet are those with a high notional amount and with expiration dates close to one of the proposed secured notes expiry dates, per the turnaround proposal, in Jake Freeman's letter to Bed Bath and Beyond board, as described in the background section. Comparison of a screenshot this data (**Exhibit B**) with 2024 bonds trading data screenshot from FINRA²⁴ (**Exhibit C**) for the same date 07/07/22 shows large swap positions being opened up or amended close to large bond purchases, thereby indicating that the bonds were being hedged using short transactions corresponding to these swap positions. The fact that most of the highlighted CFD expiry

¹⁹ <https://pddata.dtcc.com/gtr/dashboard.do>

²⁰ https://docs.google.com/spreadsheets/d/e/2PACX-1vRkigsLWF83cpBG9JRKui7QTheDr_mrOCyiPKdwXK8qHCLU6J8RpvUNmu-zSOBwPaXpjIoj6zCTVsJH/pubhtml

²¹ https://docs.google.com/spreadsheets/d/e/2PACX-1vTQwNR3w9Ye8SK-e_EJkUo19BLHXJlYZuhPUsEQ-RWddHNzx07HJxyFPHMmjz-ipMyoxqU_KEelQyHu/pubhtml

²² <https://www.clarusft.com/variance-swaps-and-other-equity-derivatives-on-sdr/>

²³ <https://www.contracts-for-difference.com/strategies/CFDs-hedge.html>

²⁴ <https://www.finra.org/finra-data/fixed-income/trade-history?cusip=075896AA8&bondType=CA>

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dates align with the expiry dates of proposed secure notes, per Jake Freeman's proposal in his letter to Bed Bath And Beyond Board of Directors provide circumstantial evidence that he and/or his affiliates had already opened up the corresponding short positions to hedge those proposed bonds, even before the proposal was accepted by the board, since those short positions could be used to hedge existing bond holdings. None of the highlighted CFDs show up as being terminated thereby showing that the corresponding short positions are still open. This data supports the need for one of the remedies requested in paragraph 1, under the Preliminary Statement section.

Date: 08/31/2023


Gabriel Rostom (Aug 31, 2023 08:22 GMT+2)

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EXHIBIT A

Links To Download Equity Swaps Trading Data

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2022_02_14.zip
https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2022_02_15.zip
https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2022_02_16.zip
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https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_03.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_04.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_05.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_08.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_09.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_10.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_11.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_12.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_15.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_16.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_17.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_18.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_19.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_22.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_23.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_24.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_25.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_26.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_30.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_05_31.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_01.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_02.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_05.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_06.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_08.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_09.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_12.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_13.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_14.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_15.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_16.zip

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https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_21.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_22.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_23.zip

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https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_06_27.zip

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https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_03.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_05.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_06.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_07.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_10.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_11.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_12.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_13.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_14.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_17.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_18.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_19.zip

https://kgc0418-tdw-data-0.s3.amazonaws.com/sec/eod/SEC_CUMULATIVE_EQUITIES_2023_07_20.zip

EXHIBIT B**Equity Swaps Trading Data Snapshot For 07/07/22**

N1419 7/7/2022 23:18:33

Product ID	Product Name	Action	Transaction Type	Entered	Clearing Exception Indicator	Day Count Convention	Effective Date	Embedded Option Event Timestamp	Execution Timestamp	Execution Date	First Exec Non-Balance	National Amount	National Amou
1410	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-01-01		2022-07-09 27:47	2022-07-09 27:47	2023-12-14	N	3,400
1411	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U	N		2021-12-17		2022-07-09 27:04	2021-12-17 23:00:00	2023-10-23	N	25
1412	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U	N		2022-07-01		2022-07-03 20:22:51	2022-07-03 20:22:51	2023-01-03	N	25,000
1413	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-03		2022-07-09 19:23:14	2021-12-03 19:23:14	2023-01-03	N	3,800
1414	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-10-04		2022-07-09 20:23:00	2021-10-04 20:23:00	2023-01-03	N	15,600
1415	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-10-09		2022-07-09 20:23:10	2021-10-09 20:23:10	2023-01-07	N	450
1416	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-09-26		2022-07-09 20:23:55	2021-09-26 20:23:55	2022-12-26	N	18,000
1417	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U	N		2020-11-17		2022-07-09 20:43:00	2020-11-17 20:43:00	2023-06-03	N	3,850
1418	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Trade	U			2020-07-05		2022-07-09 18:42:16	2022-07-09 18:42:16	2023-01-31	N	3,000
1419	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2020-06-29		2022-07-09 23:31:24	2022-06-29 23:31:24	2023-09-13	N	400,000
1420	Equity ContractForDifference PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2021-10-01		2022-07-09 23:28:18	2021-10-01 23:28:18	2024-10-03	N	10,000
1421	Equity ContractForDifference PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2022-07-07		2022-07-09 14:58	2022-07-09 14:58	2023-01-31	N	2,100
1422	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2021-08-31		2022-07-10 10:42	2021-08-31 10:42	2023-07-07	N	110,000
1423	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-07-01		2022-07-09 16:18	2022-07-07 16:18	2023-05-28	N	140,000
1424	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Trade	U			2022-01-03		2022-07-09 19:19	2022-01-03 19:19	2023-12-14	N	120,000
1425	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-01-03		2022-07-09 20:19:07	2022-01-03 20:19:07	2023-12-14	N	38,000
1426	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2019-09-23		2022-07-09 20:19:42	2019-09-23 20:19:42	2023-01-31	N	81,000
1427	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U	N		2022-07-01		2022-07-09 20:20	2022-07-01 20:20	2023-01-31	N	31,000
1428	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-02		2022-07-09 20:20:44	2021-12-02 20:20:44	2023-05-28	N	0
1429	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-01-03		2022-07-09 20:20:48	2022-01-03 20:20:48	2023-12-14	N	170,000
1430	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-03		2022-07-09 20:26:49	2021-12-03 20:26:49	2023-01-03	N	2,100
1431	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-17		2022-07-09 20:27:01	2021-12-17 20:27:01	2023-10-30	N	35
1432	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2020-11-17		2022-07-09 20:31:31	2020-11-17 20:31:31	2023-05-05	N	7,500
1433	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2020-11-17		2022-07-09 20:32:00	2020-11-17 20:32:00	2022-12-13	N	37,000
1434	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2020-12-19		2022-07-09 20:32:00	2020-12-19 20:32:00	2022-12-13	N	130,000
1435	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U	N		2022-07-07		2022-07-09 21:03:23	2022-07-07 21:03:23	2023-07-07	N	0
1436	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-08		2022-07-09 14:41	2022-07-09 14:41	2022-04-10	N	300,000
1437	Equity ContractForDifference PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2022-07-08		2022-07-09 14:53:50	2022-07-09 14:53:50	2024-10-03	N	10,000
1438	Equity ContractForDifference PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2021-10-01		2022-07-09 23:22:27	2022-06-29 17:05:06	2023-09-13	N	400,000
1439	Equity ContractForDifference PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2022-06-29		2022-07-09 23:38:39	2022-04-14 10:26:16	2023-04-15	N	670,000
1440	Equity ContractForDifference PriceReturn/BaSicPerformance SingleName	NEW	Amendment	U			2021-10-01		2022-07-09 23:39:53	2021-10-01 20:25:22	2024-10-03	N	69,000
1441	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-07-07		2022-07-09 20:16:28	2022-07-07 19:59:25	2020-05-23	N	110,000
1442	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-17		2022-07-09 20:19:12	2021-12-17 20:19:12	2023-11-09	N	26,000
1443	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-17		2022-07-09 20:19:27	2021-12-02 20:59:44	2025-05-28	N	60,000
1444	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-02		2022-07-09 20:19:27	2021-12-02 20:59:44	2025-05-28	N	310,000
1445	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-08		2022-07-09 20:14:16	2022-07-08 20:14:16	2022-04-10	N	300,000
1446	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-01-03		2022-07-09 20:21:45	2022-01-03 21:03:37	2023-12-14	N	120,000
1447	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-17		2022-07-09 20:24:20	2022-01-03 21:03:04	2023-12-14	N	45
1448	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-01-03		2022-07-09 20:26:12	2022-01-03 21:03:04	2023-12-14	N	150,000
1449	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2021-12-03		2022-07-09 20:29:31	2021-12-02 20:59:31	2023-01-03	N	8,000
1450	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2020-11-17		2022-07-09 20:59:20	2020-11-17 21:21:09	2023-05-09	N	24,000
1451	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2020-12-15		2022-07-09 20:59:20	2020-12-15 22:13:43	2022-12-13	N	130,000
1452	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-09		2022-07-09 21:01:42	2022-07-09 21:01:42	2022-05-09	N	68,000
1453	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-09		2022-07-09 21:01:42	2022-07-09 21:01:42	2022-05-09	N	23,000
1454	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-09		2022-07-09 21:01:42	2022-07-09 21:01:42	2022-05-09	N	8,500
1455	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-09		2022-07-09 21:01:42	2022-07-09 21:01:42	2022-05-09	N	1,000
1456	Equity PortfolioSwap PriceReturn/BaSicPerformance SingleName	NEW	Termination	U			2022-07-09		2022-07-11 21:01:11	2022-07-09 19:16:59	2025-05-08	N	4,700
1457	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-11		2022-07-11 21:01:11	2022-07-11 21:01:11	N	405	
1458	Equity PORTFOLIOSWAP PRICERETURN/BASICPERFORMANCE NEW	Trade	U	N			2022-07-11		2022-07-11 21:01:11	2022-07-11 21:01:11	N	3,400	

+ BBBY_Swap_Transactions

EXHIBIT C

2024 Bonds Trading Data Snapshot For 07/07/22



> FINRA DATA > FIXED INCOME DATA

Trade History

Real-time trade history for up to three calendar years. For up to 10 years of end of day pricing, see [Trade Activity](#).

Symbol: BBBY4144687 **Issuer Name:** BED BATH & BEYOND INC **Coupon Rate:** 3.749

Maturity Date: 8/1/2024

Start Date End Date

SHOW RESULTS

Total Count: 757

Columns Filter

Filters:

Symbol	Issuer Name	Date	Quantity	Price	Yield	Time
BBBY4144687	BED BATH & BEYO...	2022-07-07	350000	40.375	56.18524	09:30:08
BBBY4144687	BED BATH & BEYO...	2022-07-07	1000000	40.25	56.388091	14:33:58
BBBY4144687	BED BATH & BEYO...	2022-07-07	1000000	40.5	56.983194	15:41:23
BBBY4144687	BED BATH & BEYO...	2022-07-07	1000000	40.375	56.18524	15:42:18
BBBY4144687	BED BATH & BEYO...	2022-07-07	433000	40.5	56.983194	16:12:49
BBBY4144687	BED BATH & BEYO...	2022-07-07	1000000	40.5	56.79623	15:36:53
BBBY4144687	BED BATH & BEYO...	2022-07-07	400000	39.033	58.406304	16:54:59

EXHIBIT D**Equity Swaps Trading Data Snapshot Leading Up To Termination Of Bonds Exchange Offer On 2023-01-05**

F492	2022-12-30T00:00:00Z	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	V	W
	Event timestamp	Amendment indicator	Asset class	Product name	Closed	Execution timestamp	Effective date	Expiration date	National amount	National amount	National currency								
460	TRAD	2022-12-31T00:37:46Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-21T22:22:14:	2022-12-23	2032-12-23	52,000	52,000	USD								
461	TRAD	2022-12-31T00:37:04Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-25T22:09:51:	2022-11-29	2032-11-30	1,000	1,000	USD								
462	TRAD	2022-12-31T00:37:53Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-22T22:10:46:	2022-12-27	2032-12-24	49,000	49,000	USD								
463	TRAD	2022-12-31T00:36:10Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-18T22:28:22:	2022-11-22	2032-11-22	20,000	20,000	USD								
464	TRAD	2022-12-31T00:37:39Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-20T22:27:44:	2022-12-22	2032-12-22	23,000	23,000	USD								
465	TRAD	2022-12-31T00:37:33Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-19T22:21:29:	2022-12-21	2032-12-22	140,000	140,000	USD								
466	TRAD	2022-12-31T00:26:54Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-17T21:25:26:	2022-11-21	2029-03-09	2,000,000	2,000,000	USD								
467	TRAD	2022-12-31T00:37:27Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-05T22:16:07:	2022-12-07	2032-12-09	8,500	8,500	USD								
468	TRAD	2023-03-07T21:16:41Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2023-01-23T20:24:35:	2023-01-23	2024-11-25	29,000	29,000	USD								
469	TRAD	2022-12-31T00:37:12Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-28T22:19:51:	2022-11-30	2032-12-01	45,000	45,000	USD								
470	TRAD	2022-12-31T00:44:02Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-07T22:13:24:	2022-11-04	2032-11-04	460,000	460,000	USD								
471	TRAD	2022-12-31T00:37:20Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-29T22:15:51:	2022-12-01	2032-12-01	76,000	76,000	USD								
472	TRAD	2023-01-04T01:02:50Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-28T22:19:51:	2022-11-30	2032-12-01	33,000	33,000	USD								
473	TRAD	2023-01-04T01:02:15Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-17T21:25:26:	2022-11-21	2029-03-09	2,000,000	2,000,000	USD								
474	TRAD	2023-01-04T01:02:56Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-29T22:15:51:	2022-12-01	2032-12-01	56,000	56,000	USD								
475	TRAD	2023-01-04T01:03:11Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-02T21:39:24:	2022-11-04	2032-11-04	530,000	530,000	USD								
476	TRAD	2023-01-04T01:03:06Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-19T22:21:29:	2022-12-21	2032-12-22	120,000	120,000	USD								
477	TRAD	2023-01-04T01:03:14Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-21T22:22:14:	2022-12-23	2032-12-23	48,000	48,000	USD								
478	TRAD	2023-01-04T01:02:36Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-10T22:28:22:	2022-11-22	2032-11-22	16,000	16,000	USD								
479	TRAD	2023-01-04T00:50:52Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-07T22:13:35:	2022-11-09	2027-11-10	76,000	76,000	USD								
480	TRAD	2023-01-04T01:03:01Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-05T22:16:07:	2022-12-07	2032-12-08	6,600	6,600	USD								
481	TRAD	2023-01-04T01:02:45Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-25T22:09:51:	2022-11-29	2032-11-30	13,000	13,000	USD								
482	TRAD	2023-01-04T01:03:11Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-20T22:27:44:	2022-12-22	2032-12-22	21,000	21,000	USD								
483	TRAD	2023-01-04T01:03:19Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-12-22T22:18:46:	2022-12-27	2032-12-24	49,000	49,000	USD								
484	TRAD	2023-03-07T17:20:34Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2023-02-13T16:35:36:	2023-02-13	2024-11-27	180	180	EUR								
485	TRAD	2023-03-07T17:29:13Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2023-02-13T16:35:36:	2023-02-13	2024-11-27	5	5	EUR								
486	TRAD	2023-03-07T17:31:05Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2023-02-13T16:35:36:	2023-02-13	2024-11-27	5	5	EUR								
487	TRAD	2023-03-07T00:46:00Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-02T21:39:24:	2022-11-04	2032-11-04	150,000	150,000	USD								
488	TRAD	2023-03-07T00:27:28Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2023-02-01T00:26:01:	2023-02-02	2032-02-02	170,000	170,000	USD								
489	TRAD	2023-03-08T00:52:16Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-02T21:39:24:	2022-11-04	2032-11-04	150,000	150,000	USD								
490	TRAD	2023-03-08T22:43:55Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2021-12-17T21:09:06:	2021-12-17	2023-10-30	5	5	USD								
491	TRAD	2022-12-30T00:41:30Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-02T21:39:24:	2022-11-04	2032-11-04	440,000	440,000	USD								
492	TRAD	2022-12-30T00:34:23Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-17T21:25:26:	2022-11-21	2029-03-09	2,000,000	2,000,000	USD								
493	TRAD	2023-03-08T21:20:50Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2021-12-17T21:00:05:	2021-12-17	2023-10-30	2,700	2,700	USD								
494	TRAD	2022-12-28T00:56:02Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-02T21:39:24:	2022-11-04	2032-11-04	350,000	350,000	USD								
495	TRAD	2023-03-09T21:59:53Z	TRUE	EQ	Equity:PortfolioSwap:PriceReturnBasicPerformance:N	2023-03-09T21:59:53:	2023-03-09	9999-12-31	47,000	47,000	47,000 MXN								
496	TRAD	2022-12-29T00:52:54Z	TRUE	EQ	Equity:ContractForDifference:PriceReturnBasicPerf:N	2022-11-02T21:39:24:	2022-11-04	2032-11-04	400,000	400,000	USD								

Sum: 6,000,000

Equity Swaps Trading Data Leading Up To Termination Of Bonds Exchange Offer On 2023-01-05 Published Late

A492	Swap Transaction Publish Date	Dissemination Identifier	Original Dissemination Identifier	Action type	Event type	Event timestamp	Amendment indicator	Asset Class	Product name	Cleared
459	2023-03-07	566220347	566149143	MODI	TRAD	2022-12-31T00:37:46Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
461	2023-03-07	566234608	566149926	MODI	TRAD	2022-12-31T00:37:04Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
452	2023-03-07	566234728	566150365	MODI	TRAD	2022-12-31T00:37:53Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
453	2023-03-07	566235662	566149383	MODI	TRAD	2022-12-31T00:36:10Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
454	2023-03-07	566238183	566149940	MODI	TRAD	2022-12-31T00:37:39Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
455	2023-03-07	566239778	566149045	MODI	TRAD	2022-12-31T00:37:33Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
456	2023-03-07	566242085	566140536	MODI	TRAD	2022-12-31T00:26:54Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
457	2023-03-07	566260624	566149534	MODI	TRAD	2022-12-31T00:37:27Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
458	2023-03-07	566163504	56302692	MODI	TRAD	2023-03-07T21:16:41Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
459	2023-03-07	566169036	566147955	MODI	TRAD	2022-12-31T00:37:12Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
470	2023-03-07	566202550	566146995	MODI	TRAD	2022-12-31T00:44:02Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
471	2023-03-07	566225966	566149571	MODI	TRAD	2022-12-31T00:37:20Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
472	2023-03-07	566147955	497122166	MODI	TRAD	2023-01-04T01:02:59Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
473	2023-03-07	566140536	497119276	MODI	TRAD	2023-01-04T01:02:15Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
474	2023-03-07	566140571	497125004	MODI	TRAD	2023-01-04T01:02:56Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
475	2023-03-07	566140955	565113609	MODI	TRAD	2023-01-04T01:03:11Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
476	2023-03-07	566149045	510435057	MODI	TRAD	2023-01-04T01:03:06Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
477	2023-03-07	566149143	512127397	MODI	TRAD	2023-01-04T01:03:14Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
478	2023-03-07	566149383	497127637	MODI	TRAD	2023-01-04T01:02:36Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
479	2023-03-07	566149529	542967669	MODI	TRAD	2023-01-04T01:50:52Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
480	2023-03-07	566149534	499007986	MODI	TRAD	2023-01-04T01:03:01Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
481	2023-03-07	566149926	497122200	MODI	TRAD	2023-01-04T01:02:45Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
482	2023-03-07	566149940	511149475	MODI	TRAD	2023-01-04T01:03:11Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
483	2023-03-07	566150365	513280904	MODI	TRAD	2023-01-04T01:03:19Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
484	2023-03-07	565980276	564013867	MODI	TRAD	2023-03-07T17:29:34Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
485	2023-03-07	566012076	565902726	MODI	TRAD	2023-03-07T17:29:13Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
486	2023-03-07	566010470	566012076	MODI	TRAD	2023-03-07T17:31:05Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
487	2023-03-07	665113609	512569724	MODI	TRAD	2023-03-07T00:46:00Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
488	2023-03-07	665113729	539409155	MODI	TRAD	2023-03-07T00:27:28Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
489	2023-03-08	566322635	566202550	MODI	TRAD	2023-03-08T00:52:16Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
490	2023-03-08	567435164	567358995	MODI	TRAD	2023-03-08T22:43:55Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
491	2023-03-08	567440071	566322535	MODI	TRAD	2022-12-30T00:41:30Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
492	2023-03-08	567440519	566242085	MODI	TRAD	2022-12-30T00:34:23Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
493	2023-03-09	567358990	564982228	MODI	TRAD	2023-03-08T21:29:59Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
494	2023-03-09	568515011	567502214	MODI	TRAD	2022-12-20T00:56:10Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	
495	2023-03-09	568590468	NEWT		TRAD	2023-03-09T21:59:53Z	TRUE	EQ	Equity_PortfolioSwap_PriceReturnBasicPerformanceN	
496	2023-03-09	567502214	567440071	MODI	TRAD	2022-12-29T00:52:54Z	TRUE	EQ	Equity_ContractForDifference_PriceReturnBasicPerfN	

Min: 2023-03-07